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Viewing cable 07KINGSTON380, ANTI-CORRUPTION STRATEGY: JAMAICA'S POLICE

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- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
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Reference ID	Created	Released	Classification	Origin
07KINGSTON380	2007-03-19 14:07	2011-08-30 01:44	CONFIDENTIAL	Embassy Kingston

Appears in these articles:

<http://jamaica-gleaner.com/gleaner/20110601/lead/lead3.html>

VZCZCXYZ0001
RR RUEHWEB

DE RUEHKHG #0380/01 0781407
ZNY CCCCC ZZH
R 191407Z MAR 07
FM AMEMBASSY KINGSTON
TO SECSTATE WASHDC 4493

C O N F I D E N T I A L KINGSTON 000380

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STATE FOR INL/LP (BOZZOLO), INL/C (KOHN) AND WHA/CAR
(BUDDEN)

E.O. 12958: DECL: 03/19/2022
TAGS: [KCRM](#) [KJUS](#) [PGOV](#) [KCOR](#) [JM](#)
SUBJECT: ANTI-CORRUPTION STRATEGY: JAMAICA'S POLICE
CIVILIAN OVERSIGHT AUTHORITY

Classified By: DCM James T. Heg for reasons 1.5 (b) and (d).

1.(U) Summary: At the request of the Police Civilian Oversight Authority (PCOA), embassy officials met with them, on March 13, to explore possible assistance the USG could provide to help the PCOA become fully operational. Initially, NAS plans to use approximately \$20,000 in residual ESF funds for this purpose. We would like to see the PCOA become a strong advocate for improving professionalism in the Jamaica Constabulary Force (JCF), which would include attacking the problem of corruption within the JCF. End Summary.

PCOA STRUCTURE AND FUNCTIONS

¶2. (U) The PCOA was created by the Police (Civilian Oversight) Authority Act, 2005. The act was signed by the Governor General (GG) on December 28, 2005. The law placed the PCOA under the Minister of National Security (MNS), and it is the Minister's responsibility to obtain necessary budget support for its operation. Members (there are five, but seven can be named) are appointed by the GG, after consultation with the Prime Minister and the Leader of the Opposition, for an initial term of five years. Current members were appointed in 2006. The Chairman is The Most Reverend Charles H. Dufour, Roman Catholic Bishop for Western and Central Jamaica. However, the most energetic members is the Honorable Oliver F. Clarke, who owns one of Jamaica's leading newspapers, The Gleaner, among other companies.

¶3. (U) Functions of the PCOA include the following: monitor the implementation of policy relating to the JCF; monitor the standard of performance of the JCF to ensure that internationally accepted standards of policing are maintained; conduct inspections; and monitor management and use of financial and other resources of the JDF. In carrying out its duties, the PCOA has the power to question the Commissioner of Police or any other JCF officer; require presentation of JCF documents and records; enter all JCF facilities; and take complaints from the public concerning JCF operations. Any person who tries to prevent the PCOA from entering JCF premises or who fails to provide information or documentation required by the PCOA is subject to a maximum fine of JA\$100,000 (U.S.\$1500) if found guilty by a Resident Magistrate. The PCOA may refer any matter to the Police Service Commission (PSC), the MNS, the Commission for the Prevention of Corruption or to the Commissioner of

Police. Each year the PCOA is required to report its operations and findings, along with recommendations for improving the efficiency of the JCF to the MNS, who tables the report before Parliament. In addition, the MNS, at any time, can ask the PCOA to provide a specific report on any matter within its jurisdiction. The Minister has the authority to make regulations, subject to affirmative resolution, with regard to any matter for the purpose of carrying out the Act. Maximum penalty for violations of such regulations is a fine not more than JA\$250,000 (U.S.\$3800) or six months prison or both.

¶4. (SBU) Currently, the PCOA has no office and no staff. They expect to get some support from the GOJ annual budget in April and requested funds to support a staff of 25. PCOA is trying to locate an office site. They have identified an administrative assistant and they are interviewing people for the positions of CEO and Chief Inspector. The PCOA meets monthly in a Kingston hotel. PCOA will require monthly reports from the JCF on their activities. In addition, special reports will be requested on topics like corruption. Previously, PCOA members inspected some JCF installations and they studied the issue of firearms. Comment: Acting NAS Director (NASDIR) met with the Authority, on February 27, at their request. He was asked to give his assessment on a confidential basis of the level of corruption in the JCF and

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whether the JCF met international standards of policing. The response was that corruption is widespread and that the JCF does not meet international standards in terms of professionalism, as well as the level of corruption. End Comment.

POSSIBLE U.S. MISSION ASSISTANCE

¶5. (U) At the PCOA meeting on March 13, NASDIR and Deputy AID Director discussed a proposal to help PCOA with such things as better defining operational procedures and planning, as well as identifying a work plan of specific PCOA activities. Consideration is being given to allocating \$20,000 in ESF money to cover the expenses of an expert from the Police Foundation to come to Jamaica to advise the PCOA. But, members were asked to think about the proposal and identify benefits they would expect to gain from the Police

Foundation expert. Tentatively this person could come to Jamaica as early as May. By that time, the Authority expects to hire its Administrative Officer and CEO.

¶6. (C) Members of the PCOA requested our assistance in other ways, as well. It will be looking for advice on mechanisms through which it can pressure the JCF to take action regarding corruption. Mr. Clarke sits on the Police Services Commission (PSC), which among other things, must approve recommendations for promotion. He asked whether we could vet (via our Leahy name check procedure) JCF officers proposed for promotion. The requests would be confined only to those of a rank of superintendent and above -- probably a total of ten a year. Apart from that, Clarke said the PCOA and PSC would benefit from confidential briefings by the embassy on subjects like polygraphing. Comment: If the embassy were to vet senior JCF officers up for promotion, that would be done confidentially. This is something we can do to try to

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prevent promotion of officers who we have reason to believe are corrupt. Apparently, the British already are doing this, but the PSC would like U.S. input as well. End Comment.

¶7. (C) Finally, the PSC has adopted the tactic of trying to persuade Commissioner of Police Lucius Thomas to recommend that police officers be "retired in the public interest." The Commissioner has done that on a very limited basis, but Clarke says it needs to be expanded in order to gain a major impact on corruption within the JCF. The PSC is prepared to endorse such recommendations, but the Commissioner is dragging his feet. In a past case, when an officer (or officers) were required to retire in the public interest, they mounted a legal challenge which will be heard in the Privy Council. But, Clarke said, that will take three years. As part of the effort to clean up crime in Montego Bay, a number of JCF officers apparently are being or should be (not clear) retired in the public interest. At the PCOA meeting, Clarke (with agreement of other PCOA members) urged the U.S. embassy to encourage Thomas to utilize the tactic in conjunction with his avowed anti-corruption stance. Comment: Another embassy contact, Noel Hylton, is the chairman of the PSC. Hylton heads the Jamaica Port Authority. We need to discuss this point with him in the near future. End Comment.

¶8. (C) During a private conversation with NASDIR the evening of March 13, Clarke said, confidentially, he does not trust the Commissioner of Police or the Deputy Commissioner in charge of intelligence, XXXXXXXXXXXX. He explained that, last year, XXXXXXXXXXXX obstructed the appointment of an American law enforcement officer to the International Police Officer (IPO) slot that would have the anti-corruption portfolio. According to Clarke, XXXXXXXXXXXX resented the prospect of having a "white" man in that job (white could also mean foreign) and Assistant Commissioner XXXXXXXXXXXX opposed the move as it would remove anti-corruption from her portfolio. She put pressure on XXXXXXXXXXXX. Comment: As reported in earlier reports, the JCF started recruiting once again for the IPO position in January. The JCF has narrowed down viable candidates to two, and a decision regarding selection is expected any day now. It remains to be seen whether XXXXXXXXXXXX will create problems like he did last year or move expeditiously this time. Both candidates are British. End Comment. In response to a question from NASDIR, Clarke advised that the Commissioner is appointed by the PSC, but, under the law, he was answerable to no one. Previously, that position was under the Minister of National Security. But, during the 1970s, when Michael Manley was Prime Minister, the Police Commissioner arrested

opposition JLP leaders without cause. To de-politicize the office, it was made independent. But, it was now unclear how a Commissioner could be removed, other than by strong political persuasion. Comment: For what it is worth, on March 16, the Director of the National Intelligence Bureau, Senior Superintendent Derrick Cochrane, informed NASDIR that XXXXXXXXXXXX passed a polygraph administered fairly recently in Trinidad in conjunction with security measures for World Cup Cricket. A few weeks ago, Deputy Commissioner Mark Shields was urging NASDIR to suggest to XXXXXXXXXX that XXXXXXXXXX be polygraphed. NASDIR confirmed that Shields was unaware of the polygraphing in Trinidad. Of course, we do not know who administered the polygraph or what questions were asked. End Comment.

JOHNSON